

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANDREA C. WOOD,

Plaintiff,

v.

**THOMAS MALGESINI; MALGESINI
401K PLAN; YOSEMITE CAPITAL
LLC; FCI LENDER SERVICES, SGT
INVESTMENTS LLC, CLEMENT
HOLDINGS LLC, and DOES 1 through
50,**

Defendants.

Case No. 4:22-cv-04785-YGR

**ORDER TO SHOW CAUSE RE:
JURISDICTION**

Dkt. No. 1

TO PLAINTIFF ANDREA C. WOOD AND HER COUNSEL OF RECORD:

YOU ARE HEREBY ORDERED TO SHOW CAUSE why this Court has subject matter jurisdiction to hear plaintiff's claims. Plaintiff alleges that this Court has diversity jurisdiction, which requires complete diversity of *citizenship* between the plaintiff and defendants. 28 U.S.C. § 1332. The party asserting that jurisdiction is proper bears the burden of establishing federal jurisdiction. *Abrego v. Dow Chem. Co.*, 443 F.3d 676, 685 (9th Cir. 2006).

The complaint fails to allege where the individual parties, plaintiff and Thomas Malgesini, are domiciled. A "natural person's state citizenship is . . . determined by [his or] her state of domicile, not [his or] her state of residence." *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001). It also fails to adequately allege citizenship for the corporate defendants. 28 U.S.C. § 1332(c)(1) ("[A] corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business ...").


Accordingly, plaintiff is **HEREBY ORDERED TO SHOW CAUSE** in writing **no later than**

November 7, 2022, why jurisdiction is proper. The response shall not exceed four (4) pages.
Failure to file a timely response will result in the case being dismissed for lack of jurisdiction.

The hearing currently set for November 15, 2022 is vacated to be rescheduled if necessary.

IT IS SO ORDERED.

Dated: November 4, 2022


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE